

REMARKS

The specification has been amended to comply with 37 C.F.R. § 1.821-1.825. A paper copy of the "Sequence Listing" which is believed to comply with 37 C.F.R. § 1.821-1.825 is submitted to replace the current "Sequence Listing." In addition, a computer readable form of the "Sequence Listing" is submitted along with a Statement declaring that the information recorded on the diskette is identical to the paper copy. The specification has also been amended so that sequences disclosed therein refer to their respective sequence identifier (*i.e.*, SEQ ID NO:).

The specification has been amended to reflect the priority claim listed below as well as the current status of the priority applications.

This application:

- is a divisional application of U.S.S.N. 08/887,977, filed July 3, 1997;
- which claims benefit of U.S.S.N. 60/021,664, filed July 5, 1996;
- U.S.S.N. 60/028,329, filed October 11, 1996; and
- U.S.S.N. 60/048,593, filed June 4, 1997.

In addition, the specification has been amended to incorporate these applications by reference.

The specification has been amended to delete embedded hyperlink and/or other form of browser-executable code.

The abstract has been amended to delete the second paragraph which relates to the file history of the application.

Lastly, the title of the invention has been amended as suggested by the Examiner to read as follows: ANTIBODIES THAT BIND CHEMOKINE TECK.

STATUS OF CLAIMS

Claims 43-64 are pending. For greater clarity, claims 43-48 and 58-61 have been amended. Support for these claim amendments may be found throughout the specification and the originally filed claims. For example, on page 14, lines 3-48; and page 34, lines 26-31. No new matter has been added.

REJECTIONS UNDER 35 U.S.C. § 112, second paragraph

Claims 43-64 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for using the term “mature” in referring to the TECK polypeptide. For greater clarity, the term “mature” has been deleted from Claims 43-48 and 58-61. Rather, Claims 43-48 and 58-61 now refer to the specific amino acid sequence Gln1 to Leu127 of SEQ ID NO: 4 instead.

In light of the above amendments, Applicants respectfully request withdrawal of this rejection under 35 U.S.C. § 112, second paragraph.

REJECTIONS UNDER 35 U.S.C. § 112, first paragraph

Claims 58-61 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing containing new matter. Claims 58-61 recited K_d values of 100, 30, 10, and 3 nM, respectively. These values are present in the specification, for example, on page 20, lines 31-45. Nonetheless, the claims have been amended to reflect the K_d values of 300, 30, 10, and 3 μ M recited on page 34, lines 26-31.

Claims 43-64 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking enablement. The Examiner notes that the specification is “enabling for the recited binding compositions and kits comprising same, wherein the binding compositions comprise an antigen-binding site of an antibody that specifically binds mammalian TECK protein.” But the Examiner alleges that the specification is not enabling for the claimed inventions wherein the binding compositions are not related to antibodies, and wherein the TECK protein is defined as being 45% identical to the mature TECK protein shown in SEQ ID NO: 4.

Amended Claim 43 (from which Claims 44-64 depend) reads as follows:

A binding composition comprising an antigen-binding site of an antibody that specifically binds:

- a) a TECK polypeptide defined by the amino acid sequence set forth in Gln1 to Leu127 of SEQ ID NO: 4, or
- b) an antigenic fragment of the TECK polypeptide defined by the amino acid sequence set forth in Gln1 to Leu127 of SEQ ID NO: 4.

Notably, amended Claim 43 recites a binding composition *comprising an antigen-binding site of an antibody that specifically binds TECK* as defined in part (a) or (b) but no longer recites part (c) a polypeptide that shares 45% sequence identity to the mature TECK polypeptide defined by the amino acid sequence set forth in SEQ ID NO: 4.

In light of the above amendments, claims 43-64 are believed to be enabled by the specification. As such, Applicants respectfully request withdrawal of this rejection under 35 U.S.C. § 112, first paragraph.

REJECTIONS UNDER 35 U.S.C. § 102

Claims 43-46, 49-51, 53-57, and 62-64 stand rejected under 35 U.S.C. § 102, as allegedly being anticipated by Wei *et al.* (U.S. Patent 5,981,231). The Examiner states that Wei *et al.* discloses a binding composition (an antibody) that specifically binds a polypeptide having at least 45% identity to SEQ ID NO: 4. As noted above, Claim 43 no longer recites a polypeptide that shares 45% sequence identity to the mature TECK polypeptide defined by the amino acid sequence set forth in SEQ ID NO: 4. Furthermore, the sequence disclosed by Wei *et al.* is not identical to that which is presently claimed. Consequently, Wei *et al.* does not anticipate the presently claimed invention.

In light of the above amendments, Applicants respectfully request withdrawal of this rejection under 35 U.S.C. § 102.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 58-61 stand rejected under 35 U.S.C. § 103, as allegedly being obvious in light of Wei *et al.* As noted above, Wei *et al.* does not disclose the presently claimed invention. Furthermore, Wei *et al.* does not suggest the presently claimed invention. Consequently, Wei *et al.* does not render the present invention obvious.

Claims 47, 48, and 52 stand rejected under 35 U.S.C. § 103, as allegedly being obvious in light of Wei *et al.* in view of Radka *et al.* (U.S. Patent 5,681,930). As noted above, Wei *et al.* does not disclose or suggest the presently claimed invention. Radka *et al.* fails to cure the defects of the Wei *et al.* reference. Consequently, Wei *et al.* in view of Radka *et al.* does not render the present invention obvious.


In light of the above amendments and arguments, Applicants respectfully request withdrawal of this rejection under 35 U.S.C. § 103.

CONCLUSION

Applicants believe that the foregoing amendments and remarks place this application now in condition for allowance. Accordingly, Applicants respectfully solicit favorable action allowing claims 43-64.

Respectfully submitted,

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